H. R. 5353

To establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 12, 2008

Mr. Markey (for himself and Mr. Pickering) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Internet Freedom Preservation Act of 2008”.

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SEC. 2. FINDINGS.

Congress finds the following:

(1) The Internet has had profound benefits for numerous aspects of daily life for millions of people throughout the United States and is increasingly vital to the economy of the United States.

(2) The importance of the broadband marketplace to citizens, communities, and commerce warrants a thorough inquiry to obtain input and ideas for a variety of broadband policies that will promote openness, competition, innovation, and affordable, ubiquitous broadband service for all individuals in the United States.

SEC. 3. BROADBAND POLICY.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following new section:

"SEC. 12. BROADBAND POLICY.

"It is the policy of the United States—

“(1) to maintain the freedom to use for lawful purposes broadband telecommunications networks, including the Internet, without unreasonable interference from or discrimination by network operators, as has been the policy and history of the Internet and the basis of user expectations since its inception;
“(2) to ensure that the Internet remains a vital force in the United States economy, thereby enabling the Nation to preserve its global leadership in online commerce and technological innovation;

“(3) to preserve and promote the open and interconnected nature of broadband networks that enable consumers to reach, and service providers to offer, lawful content, applications, and services of their choosing, using their selection of devices, as long as such devices do not harm the network; and

“(4) to safeguard the open marketplace of ideas on the Internet by adopting and enforcing baseline protections to guard against unreasonable discriminatory favoritism for, or degradation of, content by network operators based upon its source, ownership, or destination on the Internet.”.

SEC. 4. INTERNET FREEDOM ASSESSMENT.

(a) INTERNET FREEDOM ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Federal Communications Commission (in this Act referred to as the “Commission”) shall commence a proceeding on broadband services and consumer rights.
(2) Specific requirements.—As part of the proceeding under this section, the Commission shall assess—

(A) whether broadband network providers adhere to the Commission’s Broadband Policy Statement of August, 2005 (FCC 05–151), including whether, consistent with the needs of law enforcement, such providers refrain from blocking, thwarting, or unreasonably interfering with the ability of consumers to—

(i) access, use, send, receive, or offer lawful content, applications, or services over broadband networks, including the Internet;

(ii) use lawful applications and services of their choice; and

(iii) attach or connect their choice of legal devices to use in conjunction with their broadband telecommunications or information services, provided such devices do not harm the network;

(B) whether broadband network providers add charges for quality of service, or other similar additional fees or surcharges, to certain Internet applications and service providers, and
whether such pricing conflicts with the policies of the United States stated in section 12 of the Communications Act of 1934 (as added by section 3 of this Act);

(C) whether broadband network providers offer to consumers parental control protection tools, services to combat unsolicited commercial electronic mail, and other similar consumer services, the manner in which such services are offered, and the extent to which such services are consistent with such policies of the United States;

(D) practices by which network providers manage or prioritize network traffic, including prioritization for emergency communications, and whether and in what instances such practices may be consistent with such policies of the United States;

(E) with respect to content, applications, and services—

(i) the historic economic benefits of an open platform;

(ii) the relationship between competition in the broadband Internet access market and an open platform; and
(iii) the policy choices and results of
global competitors with respect to access
competition and an open platform;

(F) whether the need for enforceable rules
governing openness, consumer rights, and con-
sumer protections or prohibiting unreasonable
discrimination is lessened if a broadband net-
work provider provides significantly high band-
width speeds to consumers; and

(G) the potential of policies promoting
openness in spectrum allocation, universal serv-
ice programs, and video franchising to expand
innovation through protection from unreasonable
interference by network owners of an open
marketplace for speech and commerce in con-
tent, applications, and services.

(b) **PUBLIC BROADBAND SUMMITS REQUIRED.—**

(1) **IN GENERAL.—** As part of the proceeding
required under subsection (a), and within 1 year
after the date of the enactment of this Act, the
Commission shall conduct a minimum of 8 public
broadband summits, in geographically diverse loca-
tions, around the United States. The Commission
shall publicly announce the time and location of each
such summit at least 30 days in advance.
(2) Purpose of Public Broadband Summits.—Such public broadband summits shall seek to bring together, among others, consumers, consumer advocates, small business owners, corporations, venture capitalists, State and local governments, academia, labor organizations, religious organizations, representatives of higher education, primary and secondary schools, public libraries, public safety, and the technology sector to assess competition, consumer protection, and consumer choice issues related to broadband Internet access services.

(c) Internet Input.—As part of the proceeding required under subsection (a), the Commission shall seek to utilize broadband technology to encourage input from and communication with the people of the United States through the Internet in a manner that will maximize the ability of such people to participate in such proceeding.

(d) Report to Congress.—Within 90 days after completing the summits under subsection (b), the Commission shall submit a report to Congress—

(1) summarizing the results of the assessment under subsection (a), including information gained from the public summits under subsection (b); and

(2) providing recommendations on how to promote competition, safeguard free speech, and ensure
robust consumer protections and consumer choice relating to broadband Internet access services.